

Co-Trustees' Motion to Join Indispensable Parties

Age:			NEEDS/PROBLEMS/COMMENTS: Examiner Notes are not prepared for this matter.
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 3-11-14	
		Updates:	
		Recommendation:	
		File 1 – McCann	

(1) First and Final Account and Report of Administrator and Petition for Its Settlement and (2) Allowance of Statutory Commissions and (3) For Final Distribution

DOD: 04/13/12		DARRYL GRANT , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 04/13/12 – 01/31/14	
Cont. from		Accounting - \$70,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$67,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$39,791.26 (all cash)	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Administrator - \$2,800.00 (statutory)	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - \$2,800.00 (statutory)	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Costs - \$2,266.80 (filing fees, publication, certified copies, bond premium, probate referee)	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	06/15/12	
<input type="checkbox"/>	Duties/Supp	Reserve - \$700.00	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Distribution, pursuant to intestate succession, is to:	
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202	Darryl Grant - \$15,612.23	
<input checked="" type="checkbox"/>	Order	Raymond Grant - \$15,612.23	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 03/12/14
			Updates:
			Recommendation: SUBMITTED
			File 2 – Grant

DOD: 12/23/12		ERIC M. THUAT, Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Accounting is waived.		1. Paragraph 21 of the Petition indicates that the attorney is reducing his fee to 85% of the statutory amount (\$18,075.69), but states that the agreed upon attorney fee is \$16,268.24 at item 4 of the prayer. Need clarification as to what the correct attorney fee is. 2. The dollar value of the property on hand is not stated in the Petition. Need dollar value of property on hand. 3. The Order does not comply with Local Rule 7.6.1A which states: all orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. <u>Monetary distributions must be stated in dollars</u> , and not as a percentage of the estate. Need revised Order stating the dollar amount to be distributed.	
Cont. from		I & A	-	\$913,276.06	<div> Reviewed by: JF Reviewed on: 03/12/14 Updates: Recommendation: File 3 – Meux </div>
	Aff.Sub.Wit.	POH	-	?? (see note 2)	
✓	Verified	Administrator	-	waived	
✓	Inventory	Attorney	-	\$18,075.69? (less than statutory, see note 1)	
✓	PTC	Reserve	-	\$5,000.00	
✓	Not.Cred.	Distribution, pursuant to intestate succession, is to:			
✓	Notice of Hrg	Katherine Meux Thuat - Real property, Schwab one portfolio account, 1/3 interest in Schwab one accounting ending in 7377, Bank of America account ending in 8378, 2010 Lexus and miscellaneous furniture and furnishings			
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters	04/16/13			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
✓	FTB Notice				

(1) Petition for Final Distribution on Waiver of Account and (2) for Allowance of Compensation for Ordinary Services

DOD: 3-13-13		SANDRA L. FUNK , Executor with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$534,362.68 POH: \$519,458.67 (cash) Executor (Statutory): Waived Attorney (Statutory): Waived Distribution pursuant to Decedent's will: Sandra L. Funk, as Trustee of the Floyd Zielke 2013 Trust: \$519,458.67	NEEDS/PROBLEMS/COMMENTS:
Cont. from 022014			
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail W		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
Reviewed by: skc Reviewed on: 3-12-14 Updates: Recommendation: SUBMITTED File 4 – Zielke			

Atty

Van Doren, Cynthia M. (for Stephanie Woodward –Competing Petitioner– Cousin)

Atty

LeVan, Nancy J. (for Diana M. Marinez – Petitioner –Non-Relative)

Atty

Van Doren, Cynthia M. (for Phyllis and Jesse Torres – Objectors)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: Age: 9		TEMPORARY EXPIRES 03/17/2014		NEEDS/PROBLEMS/COMMENTS:	
		<p>SANTOS L. DE LA FUENTE, mother, and DIANA M. MARINEZ, god mother/non relative, are petitioners.</p>		<p>Page 5B is the competing temporary petition for guardianship of the person and the estate, filed by Stephanie Woodward.</p>	
Cont. from 021314		<p>Father: ADOLPH CEREDI, Nominates, Consents and Waives Notice</p>		<p>Note: An Order to Deposit Money into Blocked Account was received and returned to Attorney LeVan as the Petition does not request appointment of guardian of the estate.</p>	
	Aff.Sub.Wit.		<p>Mother: SANTOS L. DE LA FUENTE, Consents and Waives Notice; Deceased</p> <p>Paternal Grandfather: Unknown Paternal Grandmother: Cheryl Ceredi, Consents and Waives Notice</p> <p>Maternal Grandfather: Louie Silva, served by mail on 01/22/2014 Maternal Grandmother: Sara De La Fuente, served by mail on 01/24/2014</p> <p>Petitioners state: guardianship is urgently needed as the mother/co-petitioner, Santos L. De La Fuente, is bed bound and has terminal 4th stage breast cancer and is currently in the Hospice Program at St. Agnes Hospice and Home Health since 12/10/2013. Her prognosis is two days to two months. Co-Petitioner, Diana M. Marinez has been caring for both the minor child, and the mother. Diana M. Marinez transports the child to and from school each day, takes her to medical appointments, provides meals and clothing. The mother states that Diana Marinez is a very positive and influential person in her life and has been since her birth.</p> <p>Co-Petitioner/Mother, Santos De La Fuente, states that she does not want the minor child to be allowed any contact with the maternal grandmother, Sarah De La Fuente, or any other member of the mother's biological family because she does not feel the child would be safe. She feels that the child would be taken illegally.</p>	<p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> Paternal Grandfather (Unknown) 	
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	n/a			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order	x			
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				

Reviewed by: LV
Reviewed on: 03/12/2014
Updates:
Recommendation:
File 5A – De La Fuente

Attached to the petition is a notarized statement from the mother stating that she gives Diana Marie Martinez guardianship of her daughter, it states that she has been caring for the child since 08/2013.

Also attached is a California Statutory Will dated 11/18/2013 which nominates the co-petitioner, Diana Marie Martinez, to be the child's guardian upon the death of the mother.

Declaration filed 12/18/2013 by co-petitioner, Diana Marie Martinez, which includes letters of support of the guardianship. Also included is a letter from the child which states she wishes to live with Diana Marie Martinez.

Objection to Diana M. Martinez Being Appointed As Guardian of The Minor Child, Carlie Jezzel De La Fuente filed by Phyllis Torres, maternal great-aunt, on 12/27/2013 states that she objects to Diana M. Martinez being appointed as guardian of Carlie; as well as request that Phyllis Torres and her husband, Jesse Torres, be appointed guardians effective immediately.

Ms. Torres does not believe that Diana M. Martinez is the fit and proper person to care for her niece; and believes that it will be detrimental to her well-being and quite possibly to her safety.

Diana M. Martinez, has a known history of drug abuse, mental health issues as well as physical illnesses that sometimes put her in the hospital for weeks at a time. She disclosed to Ms. Torres that she was hospitalized for a nervous breakdown or in her words "went crazy" in 2013 as the result of her financial difficulties and her husband leaving her. She also has a history of poor money management, and the inability to keep gainful employment. Ms. Torres believes that Diana is motivated by money; and that she is seeking guardianship of the minor to access any money that the child might be entitled to including social security benefits.

It is in the best interest of the child to be raised by her biological family, Diana is not biologically related to the child nor was she related to her mother. Objector is the minor child's great aunt, and her husband is the child's great uncle and godfather. Ms. Torres and her husband have been very close to the child and her mother their entire life.

Mrs. Torres is highly concerned about Dian's son, George Tapia, driving the child around. Mrs. Torres alleges that Mr. Tapia does not have a driver's license due to having DUI's. Ms. Torres also alleges that Diana M. Martinez' family history involves drugs, alcohol and abusive behaviors.

Ms. Torres states that the mother was diagnosed in 2009 with terminal cancer and had indicated to her that she wanted her to become the minor's guardian. In September 2013 the mother requested legal paperwork be drafted indicating her desire for Ms. Torres to become guardian of the child, at that time the mother signed a Nomination of Guardian (copy attached hereto as Exhibit A). Once the mother began residing in the home of Diana M. Martinez things began to change. Diana informed Mrs. Torres that the mother no longer wanted to have anything to do with her and was not longer welcomed in the home. Diana prevented Mrs. Torres from visiting the child and the mother. Diana took over all of the mother's possessions, allowing family members to drive the mother's car, she deleted the mother's Facebook page. Diana took over the mother's phone and began to impersonate her when Mrs. Torres would try to call her. Mrs. Torres believes that Diana M. Martinez was telling the mother that her family did not want to see her.

Please see additional page

Mrs. Torres objects to Diana having guardianship of the minor child for many reasons. Mrs. Torres believes that Diana was influencing the mother and taking advantage of her mental state to manipulate the situation. Mrs. Torres believes that the mother was made to feel guilty, and felt pressured into nominating Diana as the minor's guardian. Mrs. Torres alleges that the signature of the mother does not match any other documents that Mrs. Torres has.

Mrs. Torres believes that the temporary petition of Diana M. Martinez is filled with mistruths and lies; she believes the signature of the mother is a forgery. Mrs. Torres asks that the Court compare the signatures of the mother.

Mrs. Torres asks the Court to terminate the temporary guardianship of Carlie by Diana Martinez, and deny the permanent guardianship. Mrs. Torres is requesting that her and her husband, Jess Torres, be allowed to have guardianship of the minor child as it is in her best interest.

Filed Objection of Mrs. Torres also includes several objections of family members attached as "Exhibits".

Declaration of Diana M. Martinez, petitioner, filed on 12/30/2013, states the mother of the child passed away on 12/15/2013. She passed away with petitioner and the minor child present. She states she met with the child's father on 12/23/2013 at her home and the Court Investigator was also present. She states that the father of the minor signed the consent form, and that both he and his mother both consent to her being appointed guardian of the child.

Response to Objections to Appointment of Guardian filed by Diana Martinez on 01/31/2014 states Phyllis' allegation that Diana has a known history of drug abuse and mental health issues is not supported by any documentation. These allegations are slanderous and untrue. Diana does have asthma and has been hospitalized for this condition. Diana has never been hospitalized for mental health or drug issues.

Phyllis' allegations that Diana is motivated by money is again, untrue and slanderous. Diana receives \$620.00/month social security benefits for Carlie. Any other monies from insurance or pension benefits will be placed in a blocked account that cannot be accessed without a court order. As the Court knows, \$620.00/mo. Does not begin to cover the expense of raising a child. Diana is seeking guardianship because Carlie's mother nominated her as guardian and Diana has been caring for both Carlie and her mother since August. Carlie's latest report card shows 2-B's, 1-B-, and one A-. Carlie received 6-outstandings and 8-satisfactories for effort and citizenship. These are not grades of a child being in a situation that is detrimental to her. In fact, considering this child just lost her mother last month, these grades are exceptional considering the trauma that the child has gone through.

Phyllis' allegation that she witnessed George Tapia driving without a license due to DUI's with Carlie in a car is again untrue. Diana's only car was out of service from the 1st week of September through the 18th of October. The last time Phyllis was at Diana's homes was during the second week of October. Further, George Tapia's driver's license was reinstated December 11, 2013. George Tapia is enrolled full-time in college to become an alcohol/drug counselor.

Phyllis' account of Santos signing the paperwork in September leaves out many important details. Santos did not request the paperwork, but Phyllis insisted on having the paperwork brought to the emergency room between midnight and three a.m. after Santos had been given Morphine and other mind altering drugs for pain, and sticking the paperwork in front of Santos and telling her to sign.

Please see additional page

Phyllis's allegations that Diana was the one that decided Santos did not want to see her family and that Santos's signature on the petition, will and other documents is totally without a factual basis. Santos was the one that decided she did not want contact with most of her family. Santos had a very unhappy childhood. Sarah, her mother, was an alcoholic and when entertaining a man, she would lock the door so Santos could not get in the house. Santos did not want to visit with her mother, Sarah, or sister and told the nurse to have them leave. Security had to be called to tell them to leave and after arguing with other family members, they finally left. Santos made it very clear to staff at the hospital, that she did not want to see her birth mother, Sarah or her sister. On Sunday, September 29, 2013, Santos dictated and signed a letter to be placed in her chart, that she did not want Sarah or Chloe to have any type of contact with Santos. Phyllis is fully aware of this situation and to allege that Diana was somehow behind these decisions is a fallacy.

Phyllis's allegations that Diana made the decision to exclude Santos's family again is not based on any fact. Phyllis and many members of the family did not want to be in the same room as Santos because Santos tested positive for MRSA and had a staph infection in an open wound. Phyllis has a newborn grandson and she felt it was too much of a risk to be near Santos. Marylou Torres and Rachel Lopez voluntarily stopped visiting Santos at the hospital because they babysit their grandchildren and they did not want to be exposed to MRSA and Staph infection.

Santos wanted to be cremated and Sarah, Santos's mother tried to halt the cremation which required the service to be delayed and Santos's body be frozen for 8 days. This put a severe emotional burden on Carlie and was definitely not in her best interest. Phyllis knows of Sarah's drinking and emotional problems, which is why Sarah was not ever considered for Guardian of Carlie. Santos did not want her mother or most of her family at her memorial service because she wanted it to be a celebration, not drama. She did not want to expose Carlie to the chaos and outbursts of her family.

When Santos told Phyllis that she did not want her for Carlie's guardian in November, Phyllis got very angry and told Santos she was making a huge mistake. She then stormed toward the door and said "Well, at least I stepped up and am paying for your funeral." This hurt Santos deeply and that was when she informed the hospital staff and Diana that she no longer wanted to visit with any of her blood family. It wasn't until Santos told Phyllis that she wanted Diana to be Carlie's guardian that Phyllis had a problem with Diana. Phyllis and Diana texted each other almost daily regarding Santos's condition until Phyllis made the "funeral" comment. Then, Phyllis's opinion and demeanor completely changed towards Diana. Not only did Phyllis's behavior change, but also Lynette's and Rachel's behavior changed.

Phyllis's allegations that Santos did not want Diana as guardian of Carlie is again without basis or merit. Santos's signature on the form giving Diana Temporary Guardianship of Carlie was notarized and witnessed by the notary. Stating Santos's signature is forgery is a result of Phyllis's jealousy that Santos chose Diana over Phyllis. Santos's Will was witnessed by two disinterested persons and this Will nominated Diana as Custodian of Carlie's assets and Guardian of Carlie's person.

Phyllis has now withdrawn her Petition for Appointment of Guardian and a 2nd cousin of Carlie's, Stephanie Woodward, has petitioned in Phyllis's place. This person was elected by the members of Santos's blood family, without any input from Carlie or Diana or Santos. Diana not only was nominated by Santos, but also has the support of Carlie's father and paternal grandmother.

Please see additional page

Pursuant to Probate Code § 1502, (a) a nomination of a guardian of a minor can be made in a writing before or after the Petition for Appointment of Guardian is filed. Further in Probate Code § 1502 (c) it states:

“Unless the writing making the nomination expressly otherwise provides, a nomination made under this article remains effective notwithstanding the subsequent legal incapacity or death of a person making the nomination.”

Santos made her nomination in her Will that was witnessed by two disinterested people. This Will was properly executed and witnessed on November 18, 2013. Santos also nominated Diana as guardian of Carlie in a notarized document dated December 05, 2013. There has been no nomination of Stephanie Woodward by Carlie's parents verbally or in any writing.

All of the other objections by Sarah DeLaFuente, Chloe Valencia, Rachel Lopez, Marlene Torres, Victoria Bertoni, Jessy B. Torres, Maryann Moreno, Linda Bertoni, Elisa Torres, Danielle DeLaFuente, Daniel DeLaFuente, and Marylou Torres are just repetitive, boiler-plate copies of the same objection with different names on them. All of these relatives were not around to help Santos when she was very ill and none of them had any problem with Diana caring for Santos and Carlie during Santos's illness. Phyllis has used her influence to rally some the “blood” relatives to file objections against Diana simply to try to thwart what Santos really wanted.

DSS Social Worker Irma Ramirez' report filed on 02/05/2014.

Court Investigator Charlotte Bien's report filed 02/05/2014.

Needs / Problems /Comments (continued)

Note: Petitioners have included the original will of Santos L. De La Fuente. The Court may wish to have the original will returned to the petitioners. The Court does not accept an original will until the individual's death pursuant to Probate Code §8200(a)(1).

Atty Van Doren, Cynthia M. (for Stephanie Woodward –Petitioner– Cousin)

Atty LeVan, Nancy J. (for Diana M. Martinez – Temporary Guardian)

Petition for Appointment of Guardian of the Person and Estate (Prob. C. 1510)

Age: Age: 9		STEPHANEE WOODWARD , cousin, is petitioner and requests appointment as Guardian of the Person and of the Estate without bond and that any and all money of the estate be placed into a blocked account. DIANA M. MARINEZ , non-relative, was appointed temporary guardian of the minor on 12/12/2013. Father: ADOLPH CEREDI , Mother: SANTOS L. DE LA FUENTE, Deceased Paternal Grandfather: Unknown Paternal Grandmother: Cheryl Ceredi Maternal Grandfather: Louie Silva Maternal Grandmother: Sara De La Fuente, Consents and Waives Notice <u>Estimated value of the Estate</u> Personal Property - \$2,500.00 Petitioner states the minor child's mother is recently deceased; the father has never even met the child. The parents are unable/unwilling to provide for the child. The child is currently under temporary guardianship by Diana M. Martinez. However, the petitioner believes that leaving the child under the custody and care of Ms. Martinez is detrimental to the child. <p style="text-align: center;"><u>Please see additional page</u></p>	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Adolph Ceredi (Father) • Diana M. Martinez (Temporary Guardian) 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Paternal Grandfather (Unknown) • Cheryl Ceredi (Paternal Grandmother) • Louis Silva (Maternal Grandfather) 3. Need Child Information Attachment GC-210(CA). 4. Petition does not indicate the nature of the assets of guardian of the estate. Need clarification so the Court can determine if guardianship of the estate is necessary. <u>Continued on additional pages 4 and 5</u>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Notice of Hrg x		
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<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. x		
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters x		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
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<input type="checkbox"/>	FTB Notice		

Reviewed by: LV
Reviewed on: 03/12/2014
Updates:
Recommendation:
File 5B – DeLa Fuente

Continued from previous page: Ms. Martinez has no biological relationship to the child. Ms. Martinez prohibited the child's family from seeing her prior to the family obtaining a court order. Ms. Martinez excluded the child's biological family from the funeral citing a non-existent court order. It is believed that the current guardian has a prescription drug habit and has stolen prescription drugs that were prescribed to the deceased mother.

The current guardian has ongoing criminal activity in the home. The daughter-in-law of the guardian was recently arrested and forcibly removed from the home. The current guardian cannot financially provide for the child and has expressed intent to relocate the child to the San Jose area.

Objections to Appointment of Guardian filed by Stephanie Woodward on 03/06/2014 states petitioner, Diana Martinez, submits her objections to the appointment of Stephanie Woodward as guardian of the person and estate of Carlie Jezell De La Fuente.

Stephanee Woodward does not have higher priority than Diana Martinez, who was nominated by the minor's mother and father:

1. Probate Code § 1500 states "Subject to Section 1502, a parent may nominate a guardian of the person or the estate, or both, of a minor child in either of the following cases:
 - a) Where the other parent nominates, or consents in writing to the nomination of, the same guardian for the same child.
 - b) Where, at the time the petition for appointment of the guardian is filed, either (1) the other parent is dead or lacks legal capacity to consent to the nomination or (2) the consent of the other parent would not be required for an adoption of the child."
2. Probate Code § 1502 states:
 - a) "A nomination of a guardian under this article may be made in the petition for the appointment of the guardian or at the hearing on the petition or a writing signed either before or after the petition for the appointment of the guardian is filed.
 - b) The nomination of a guardian under this article is effective when made except that a writing nominating a guardian under this article may provide that the nomination becomes effective only upon the occurrence of such specified condition or conditions as are stated in the writing, including but not limited to such conditions as the subsequent legal incapacity or death of the person making nomination.
 - c) Unless the writing making the nomination expressly otherwise provides, a nomination made under this article remains effective notwithstanding the subsequent legal incapacity or death of the person making the nomination."

Santos De La Fuente nominated Diana Martinez in a properly witnessed Will, in a notarized document dated 12/05/2013 giving temporary guardianship to Diana Martinez, and under penalty of perjury in the Petitions for Appointment of Temporary and Permanent Guardian. Adolph Ceredi, father of the minor, nominated Diana Martinez as guardian of the minor, filed in this case on 02/04/2014. All of these writings satisfy the requirements of Probate Code § 1502.

Please see additional page

There has been no parental nomination of Stephanie Woodward as guardian of the minor. Ms. Woodward's familial relationship to the minor is 1st cousin, once removed. Ms. Woodward's familial relationship does not have priority over a person nominated by both parents in a writing. Family Code § 3043 mandates: "In determining the person or persons to whom custody should be granted under paragraph (2) or (3) of subdivision (a) of Section 3040, the court **shall** consider and give due weight to the nomination of a guardian of the person of the child by a parent under Article 1 (commencing with Section 1500) of Chapter 1 of Part 2 of Division 4 of the Probate Code."

Stephanee's allegations that Diana kept Santos from her family is totally without a factual basis. Santos was the one that decided she did not want contact with most of her family. Santos had a very unhappy childhood. Sarah, her mother, was an alcoholic and when entertaining man, she would lock the door so Santos could not get in the house. After a horrible scene made by Sarah and her half-sister Chloe, Santos made it very clear to staff at the hospital, that she did not want to see her birth mother, Sarah or her half-sister. On Sunday 09/29/2013, Santos dictated and signed a letter to be placed in her chart, that she did not want Sarah or Chloe to have any type of contact with Santos. Stephanie is fully aware of this situation and to allege that Diana was somehow behind these decisions is simply untrue. When Santos was at Diana's home, Stephanie was able to visit Santos. Diana kept Lynette, Rachael and Phyllis informed regarding Santos's condition by text. Phyllis stopped communicating after Santos told Phyllis she wanted Diana as guardian for Carlie. Lynette stayed in contact with Diana until after Santos died. Lynette's and Rachael's attitude toward Diana did not change until Phyllis filed her petition for guardianship.

Santos was physically, emotionally and physically abused by Sarah, Carlie's grandmother, Stephanie knows of Sarah's drinking and emotional problems, which is why Sarah did not petition for Guardian of Carlie. Sarah is bipolar, according to Phyllis, and suffers from severe emotional swings exacerbated by alcohol abuse. Santos did not want her mother and most of her family at her memorial service because she wanted it to be a celebration, not drama. Santos did not want Carlie to have contact with grandmother, Sarah, because of the cruelty and abuse that Santos suffered at the hands of Sarah. In fact, in the temporary petition for guardian, Santos requested that the Court dispense with notice to Sarah because Santos felt it would be harmful to Carlie. Stephanie allows Sarah to visit Carlie every weekend. This is evidence that Stephanie, although knowing the abuse that Sarah inflicted on Santos and Chloe, she does nothing to prevent or even discourage Carlie's exposure to Sarah's irrational behavior. In fact the opposite is true, Stephanie encourages Carlie to see her grandmother. Stephanie's behavior is exactly what Santos feared and why she did not name any of her maternal family as guardian of Carlie.

Stephanee's allegations that Santos did not want Diana as guardian of Carlie and that Diana coerced and influenced Santos to pick Diana is again without basis or merit. Santos' signature on the form giving Diana Temporary Guardianship of Carlie was notarized and witnessed by the notary. Santos' Will was witnessed by two disinterested persons and this will nominated Diana as Custodian of Carlie's assets and Guardian of Carlie's person. Santos expressed to several hospital staff, friends, and in several writings that she wanted Diana as guardian of Carlie.

Please see additional page

Stephanee's allegations that it would be detrimental for Carlie to remain in Diana's custody and care is again false. Carlie has excelled in school, received counseling, completed the Footsteps Grieving Program through St. Agnes Medical Center and is a happy, healthy nine year old. Considering the trauma Carlie has experienced in her short life, this speaks volumes about the loving guidance and parenting of Diana. There is nothing about the care that Diana has provided for Carlie that could be defined as detrimental.

Declaration in Support of Objection to Appointment of Stephanie Woodward as Guardian of Person and Estate filed

on 03/06/2014 by Itatica Tapia, God-Sister to Santos De La Fuente states she has known Santos her whole life and remembers Santos as a sister to her and her brother, because she was always staying weekends and spending holidays with her family. Ms. Tapia has known Carlie since she was born. Ms. Tapia states that Santos lived with her family from her preteen to teenage years after he biological mother kicked her out of her own home. Ms. Tapia witness Santos struggle with the effects of Sarah's verbal and physical abuse and how Santos swore she would stop the cycle of child abuse. Ms. Tapia witnessed Santos putting Carlie's needs before her own. She expressed time and again that she wanted Carlie to be nurtured, loved, and parented by the only mother she had ever known, Diana.

Ms. Tapia states that in all the years she has known Santos, she never heard her express a desire for Stephanie to be Carlie's guardian. In fact, Ms. Tapia asked Santos when she first became ill if she would rather have one of her cousins act as Carlie's guardian because they were younger than Diana and Santos answered no. She didn't want her mother, aunts, or cousins to act as Carlie's guardian because of the history of alcohol, verbal and physical abuse in the family. She could never count on any of her family when he mother abused her, so she didn't want to trust them with Carlie.

Attachments to Objections to Appointment of Guardian filed by Stephanie Woodward filed on 03/07/2014.

Declaration in Support of Objections to Appointment of Stephanie Woodward as Guardian of Person and Estates

filed on 03/10/2014 by Heather Martinez, close friend to Santos De La Fuente states she has known Santos since 1998, when she attended high school at the same time as her sister. Ms. Martinez states that on several occasions she would drop Santos off at her mother's boyfriend's home on the West Side. She would wait till make sure Santos go tin and many times Santos would knock on the door and no one would answer. Twice Ms. Martinez picked up Santos and her half-sister in the evening after their mother had hit them and locked them out of the house. Santos would take her laundry over to Ms. Martinez's home so that they could be washed for school the next day. Santos loved her mother, Sarah, but did not stay with her for long periods of time because of the verbal abuse. Ms. Martinez states that the horrible memories came back to her when she visited Santos in St. Agnes in September 2013 and she could hear Sarah yelling and cussing at Santos and other family members in the room. Sarah had to be escorted from the room three times that day. When she reached the hallway, Sarah made a worse scene in front of staff and other patients. Sarah was then escorted from the hospital and told she could not return. Sarah, along with her daughter, Chloe, tried to sneak back in the hospital twice more and the staff informed Santos that she may need to seek a restraining order. This prompted Santos to sign the attached document in front of hospital staff, indicating she did not want any contact with Sarah or Chloe. This was put in Santos' chart so there was no question that Santos' mother and half-sister should not be allowed to contact Santos.

Please see additional page

Ms. Martinez states that she was asked to witness Santos's will, she was there when Santos told the nurse that she did not want any paid medication that day, so that her mind would be clear. Santos informed Ms. Martinez that her preference was for Diana to be Custodian to any monies that Carlie may receive as result of Santos's death and Carlie's guardian to take care of her until she was 18. Santos was very clear on that subject. Santos did name Lynette Bertoni, cousin of Santos's, as the Third choice for guardian, but she did not mention Stephanie or even bring her name up as a possibility.

DSS Social Worker Irma Ramirez' report filed on 02/05/2014.

Court Investigator Charlotte Bien's report filed 02/05/2014.

Needs/Problems/Comments (continued)

5. Need Letters.
6. Need Orders.
7. Need Order for Blocked Account.

Note to Judge: It is unclear what the assets of the estate are which would require a guardian of the estate. If the child is receiving Social Security only there would be no need for a guardianship of the estate.

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 04/11/2014 at 9:00a.m. in Dept. 303** for the receipt of the blocked account **and**
- **Friday 08/22/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 05/22/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Petition for Probate Letters of Administration; Authorization to Administer Under
IAEA (Prob. C. 8002, 10450)

DOD: 12/31/2013		<p>RENEE SHOEMAKER, daughter is petitioner and requests appointment as Administrator without bond.</p> <p>All heirs waive bond and nominate petitioner.</p> <p>Full IAEA - ?</p> <p>Decedent died intestate</p> <p>Residence: Selma Publication: Need</p> <p>Estimated value of the Estate: Personal property - \$13,200.00 Real property - \$22,000.00 Total - \$35,200.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Affidavit of Publication.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 08/22/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 05/22/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>	
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		<p>Reviewed by: LV</p> <p>Reviewed on: 03/12/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Richardson</p>		

		<p>RICHARD ROSS filed Second Amended Complaint for Breach of Fiduciary Duty and FRAUD [emphasis in original] on 2-4-10.</p> <p>SUSAN ROSS ALLEY filed Answer to Plaintiff's Second Amended Complaint on 3-22-10.</p> <p>On 9-2-10, Richard Ross filed a Notice of Motion to Compel Further Responses to Discovery Requests. On 12-16-10, Judge Kazanjian granted that motion and ordered Ms. Alley to provide further responses and pay \$905 sanctions.</p> <p>On 3-26-12, RICK ROSS and RICHARD ROSS opened a new case 12CEPR00278 and filed a new Petition to Compel Accounting, Surcharge and Remove Trustee. The matter was continued, and on 6-5-12, an Amended Petition was filed.</p> <p>On 7-5-12, the matter was set for trial on 2-5-13, which was continued to 2-19-13.</p> <p>On 2-14-13, the parties reached settlement and were ordered to file agreement. However, at status hearing on 4-5-13, no agreement had been filed, and the Court continued the matter and also set this outstanding matter 09CEPR00285 for status hearing on the Second Amended Complaint that has been outstanding since 2010.</p> <p>At the last Settlement Conference Hearing (there have been numerous in this matter) the parties reached a settlement. Minute Order from 02/13/14 set this matter for status regarding the Settlement Agreement and states: Parties engage in settlement discussions with the Court. Matter resolved. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. Court to retain jurisdiction. Counsel to prepare the agreement.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>As of 03/12/14, nothing further has been filed in this matter.</u></p> <p>Note: There are <u>numerous</u> cases regarding this decedent and his testamentary trusts involving these parties:</p> <ul style="list-style-type: none"> • 0557330-8 Estate of Earl Jackson Ross (Estate settled 9-29-97; Created testamentary trusts: Earl J. Ross Marital and Earl J. Ross Family Trusts) • 04CEPR00370 Earl Jackson Ross Trust Affirmed on appeal 4-12-10. (Examiner has not reviewed that file at this time to determine what the judgment was that was affirmed.) • 05CECG01626 Rick Ross vs. Susan Alley (dismissed, dismissal affirmed on appeal 7-18-07) • 08CECG02515 Richard Ross vs. Susan Alley Contained two causes of action and a <u>prayer to reopen the original probate</u>, and for damages and costs. Specifically, Plaintiff sought to determine ownership of the <u>Idaho property</u> where he resided with Decedent, alleging it was fraudulently transferred to Ms. Alley in 1994. An Amended Complaint was filed 8-17-09. A Demurrer was filed and it was ruled to transfer the case to Probate as 09CEPR00285 Matter of Earl Jackson Ross. • 09CEPR00285 Matter of Earl Jackson Ross 1-25-10 Judge Kazanjian signed an order on the Demurrer overruling the first cause of action (extrinsic fraud) and sustaining the second cause of action (breach of fiduciary duty) with leave to amend. Second Amended Complaint was filed 2-4-10; Answer filed 3-22-10. Richard Ross filed Notice of Motion to Compel Further Responses to Discovery Requests on 9-2-10; granted 12-16-10 with \$905 sanctions. • 12CEPR00278 Earl J. Ross Marital and Earl J. Ross Family Trust (Rick Ross, Richard Ross, Petitioners, v. Susan Clarke Ross Alley)
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Citation			
FTB Notice			

Atty Childs, Jerry F., of Law Office of Jeffrey D. Bohn, (for Erlinda M. Verni, surviving spouse)
 Atty Baldwin, Kenneth; Thompson, Timothy L.; Cunningham, Nikole E.; of McCormick Barstow (for Nicola Verni, son, and Antonietta R. Verni, daughter, Trustees)
 Atty Jaech, Jeffrey A.; Marchini, Joseph M.; of Baker Manock & Jensen (for Carmela DeSantis, daughter and beneficiary)

Status Hearing Re: Settlement Agreement

DOD: 5/25/2009		<p>ERLINDA M. VERNI, spouse, filed on 5/13/2010 a <i>Petition to Set Aside the Non-Probate Transfer of Community Property on Death</i>, by <i>Married Person Without Consent of Spouse</i>; an Amended Petition was filed on 7/30/2010; Second Amended Petition was filed on 10/29/2010.</p> <p>ANTONIETTA ROSA VERNI, daughter and Successor Trustee of the VERNI FAMILY TRUST and the VERNI MARITAL TRUST, and NICOLA VERNI, son and Successor Trustee of the VERNI SURVIVOR'S TRUST, filed on 9/3/2010 a <i>Response to Amended Petition to Set Aside the Non-Probate Transfer of Community Property, etc.</i>; Response to Second Amended Petition was filed on 2/18/2011.</p> <p>Statement of Decision filed 3/14/2013 ordered, among the substantive holdings, that a Status Conference be set regarding outstanding issues remaining before the Court (specifically in part, regarding whether any community property accumulated between the date of marriage of Saverio and Erlinda and the date the Post-Marital Agreement was executed.)</p> <p>Several Status Hearings and continuances occurred, culminating as follows:</p> <ul style="list-style-type: none"> • Minute Order dated 11/7/2013 entitled <i>Matter Not on Calendar</i>, set a Status Hearing on 11/21/2013 at 9:00 a.m., stating: At request of counsel, the matter is set for Settlement Conference on 2/3/2014 and Court Trial on 2/10/2014. • Minute Order dated 11/21/2013 states no appearances. • Minute Order dated 12/6/2013 states the Court takes the matter off calendar. • Minute Order dated 2/3/2014 from the Settlement Conference (set by Minute Order of 11/7/2013) states Mr. Thompson informs the Court that the matter has been resolved and a stipulation and order will be forthcoming. The Court takes the matter off calendar. • Minute Order dated 2/10/2014 from the Court Trial states the Court takes the matter off calendar with the understanding that an agreement has been reached. Matter set for Status Hearing on 3/17/2014. Counsel to provide notice. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Settlement Agreement, and current status report pursuant to Local Rule 7.5(B).</p>
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		Reviewed by: LEG	
		Reviewed on: 3/12/14	
		Updates:	
		Recommendation:	
		File 8 – Verni	

DOD: 7/29/2010		<p>FRANK SCOTT HINE was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011.</p> <p>Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority.</p> <p>Bond of \$45,000.00 filed on 8/10/12.</p> <p>Letters issued 10/24/12.</p> <p>Inventory and Appraisal filed on 6/6/2012 showing the estate valued at \$134,550.00</p> <p>Creditor's Claims filed:</p> <table> <tr> <td>CitiBank</td> <td>-</td> <td>\$12,563.66</td> </tr> <tr> <td>DCM Services</td> <td>-</td> <td>\$ 260.80</td> </tr> <tr> <td>Frank Hine</td> <td>-</td> <td>\$ 4,743.41</td> </tr> <tr> <td>Donna Langley</td> <td>-</td> <td>\$17,625.99</td> </tr> <tr> <td>Wesley Langley</td> <td>-</td> <td>\$ 1,397.38</td> </tr> <tr> <td>FTB</td> <td>-</td> <td>\$ 2,660.09</td> </tr> <tr> <td>FTB</td> <td>-</td> <td>\$ 4,337.54</td> </tr> <tr> <td>Total</td> <td></td> <td>\$43,689.17</td> </tr> </table> <p>Former Status Report filed 9/9/13 states Mr. Krbechek met with Mr. Hine since the last status conference. Mr. Hine will be present in court on 9/13/13 to provide updated information regarding the status of the estate. The beneficiary of the estate is the decedent's minor daughter, Noelle Hine. Ms. Hine will turn 18 before the end of this year. Mr. Hine has been making all the monthly payments on the house and the loan is current. Ms. Hine's future is uncertain and she is not ready to own a house. Thus, it is in the best interest of the estate that the house be sold. The personal representative will provide an update regarding the status of the property listing at the next hearing.</p>	CitiBank	-	\$12,563.66	DCM Services	-	\$ 260.80	Frank Hine	-	\$ 4,743.41	Donna Langley	-	\$17,625.99	Wesley Langley	-	\$ 1,397.38	FTB	-	\$ 2,660.09	FTB	-	\$ 4,337.54	Total		\$43,689.17	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account, Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
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DCM Services	-		\$ 260.80																								
Frank Hine	-		\$ 4,743.41																								
Donna Langley	-		\$17,625.99																								
Wesley Langley	-		\$ 1,397.38																								
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FTB	-		\$ 4,337.54																								
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Former Status Report of Randolph Krbechek filed on 11/14/13 states he has met with Mr. Hine several times since the last hearing. Mr. Hine reports that he has completed most of the tasks to close the estate. The home is listed for sale and is in good, saleable condition. It is anticipated that they will be receiving offers in the foreseeable future. Sale of the real property must be confirmed by the court.

DOD: 08/28/11	SUSAN J. QUINN and RHONDA WALLACE , were appointed Co-Executors without bond on 11/08/11. Letters were issued on 11/21/11.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 11/18/13 1. Need Final/Supplemental Account and/or Petition for Final Distribution.
	Inventory & Appraisal, Final filed 04/10/12 - \$499,722.31	
	Inventory & Appraisal, Supplemental filed 04/18/13 - \$41,158.54	
Cont. from 091313, 111813	First & Final Account and Report of Executor filed 10/09/12 and set for hearing on 11/19/12.	
Aff.Sub.Wit.	Minute Order from 11/19/12 set this matter for status and states: The Court advises counsel that it is treating this as a Petition for Preliminary Distribution. The Court grants a distribution of up to 80% of the estate and compensation. Counsel is directed to submit a revised order. Status Report on Continued Administration filed 03/10/14 states: on 10/09/12, the co-executors filed their first account and report and petition for distribution. On 11/20/12, the Court entered an order authorizing distribution of substantially all of the assets of the estate, save and accepting the retention of cash for tax liabilities; the court also ordered payment of 80% of statutory attorney fees and extraordinary compensation. The Court ordered that estate administration continue pending the receipt of funds from the unclaimed property division of the State Controller's office in the amount of \$41,158.54 as set forth on the supplemental inventory and appraisal. Those funds were received on 12/07/12. Subsequently, the co-executors have been dealing with the IRS. The decedent did not file tax returns for 2008 or 2009. In filing a return for 2010, the Executors were advised of the missing returns. In filing those returns, the executors were advised that the decedent's identity had been stolen and a false return filed for 2010 in which an erroneous refund was claimed, which refund affected the prior year's returns. Working with a CPA to address the situation, corrected returns have been filed. The IRS assessed penalties on the late filed returns, and the estate sought abatement of those penalties. The executors have been advised to contact the IRS Taxpayer Advocate Service to resolve the issue, but that has not taken place yet. The co-executors distributed \$48,600.00 each to Alison Quinn and Brian Quinn, representing dividends on Quinn Company stock, and retained \$10,000.00 from each distribution towards income taxes payable by the estate on such dividends. The amount of income taxes payable by the estate on account thereof was the sum of \$9,920.00 and co-executors have now distributed the sum of \$10,800 (\$5,040 to each) as the balance of such distribution. Following the period of the account, the estate received an additional \$31,200 representing dividends on Quinn Company stock, which was distributed to Alison Quinn and Brian Quinn (\$15,600 each). The estate's bank account will have \$75,745.99 after payment of fees for preparation of the estates income tax returns. The amount at issue with the IRS is \$15,000. The executors anticipate that within 120 days they will be able to address the penalties with the taxpayer's advocate's division of the IRS and resolve the matter so the estate can be closed.	
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		Reviewed by: JF Reviewed on: 03/12/14 Updates: Recommendation: File 10 - Quinn

DOD: 7-1-12		<p>GEORGE P. PAPPAS was appointed Executor with Full IAEA without bond on 4-25-13 and Letters issued on 5-1-13.</p> <p>At hearing on 4-25-13, the Court set this status hearing for filing the Inventory and Appraisal.</p> <p>Status Report filed 9-24-13 states the decedent's estate consists primarily of interests in legal entities (one corporation and five general partnerships) for which appraisal is being obtained and one partial interest in a piece of real property for which a sale has been completed. The appraiser engaged by the personal representative is currently working on finalizing the appraisals of the decedent's interests in the entities mentioned above. Once complete, the personal representative intends to either submit to the probate referee for his appraisals, or request waiver of the probate referee appraisal. Status report requests continuance to 11-22-13.</p> <p>Status Report filed 1-30-14 states the I&A has been sent to the Probate Referee. Attorney Poochigian requests 45 days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-27-13, 11-22-13, 1-31-14</u></p> <p>Minute Order 9-27-13: Counsel informs the Court that they are in the process of getting appraisals for the decedent's property.</p> <p>Minute Order 11-22-13: No appearances. Continued to 1-31-14. A copy of the minute order was mailed to Mr. Poochigian 12-11-13.</p> <p>Minute Order 1-31-14: Mr. Poochigian is appearing via Courtcall. Continued to 3-17-14.</p> <p><u>As of 3-11-14, nothing further has been filed.</u></p> <p>1. Need Inventory and Appraisal.</p>
Cont. from 092713, 112213, 013114			
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		<p>Reviewed by: skc</p> <p>Reviewed on: 3-11-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Pappas</p>	

DOD: 08/17/12		<p>EDWARD SIMPSON, brother, was appointed Administrator with Limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13. Letters of Administration were issued on 10/22/13.</p> <p>Status Hearing Report filed 11/12/13 states: The only assets of the estate are an insurance policy for \$1,000,000.00 and a possible worker's compensation claim as the decedent died while working. In the car accident that killed the decedent, there was a passenger who was injured. That passenger is making a claim against the insurance policy. The passenger hired an attorney and is seeking the full \$1,000,000.00. There are depositions scheduled for mid-December and the passenger still needs to go through a medical evaluation before the parties can go back to mediation. The Administrator is still trying to ascertain if the estate will receive a distribution from a worker's comp claim. Receipts cannot be filed because there are no funds to deposit at this time. No life insurance funds will be distributed until the matter with the passenger is settled. A 60 day continuance is requested.</p> <p>Status Hearing Report filed 03/12/14 states: They are in the middle of discovery in the litigation and trying to reach a settlement. The worker's compensation claim must be litigated before finalizing the life insurance litigation. There is a mandatory settlement conference scheduled for 03/18/14. No funds have been disbursed for either claim. A Receipt for Deposit of Funds Into a Blocked Account or a Final Inventory & Appraisal cannot be filed until both claims have been settled. A continuance of at least 90 days is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 11/15/13</u></p> <p>1. Need Receipt & Acknowledgement of Order for the Deposit of Money into Blocked Account.</p> <p>Note: It does not appear that an Order to Deposit Money into Blocked Account has been submitted/signed.</p>
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		<p>Reviewed by: JF</p> <p>Reviewed on: 03/12/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12A – Simpson</p>	

DOD: 08/17/12		<p>EDWARD SIMPSON, brother, was appointed Administrator with limited IAEA, without bond, with deposits of \$1,000,000.00 to be placed into a blocked account on 10/16/13.</p> <p>Letters of Administration were issued on 10/22/13.</p> <p>Minute order dated 8/20/13 set this status hearing for the filing of the inventory and appraisal.</p> <p>Status Report filed on 1/17/14 states the only assets of the estate are an insurance policy for \$1,000,000.00 and a possible worker's compensation claim as the decedent died while working.</p> <p>In the car accident that killed the decedent, there was a passenger who was injured. That passenger is making a claim against the insurance policy. The passenger hired an attorney and is seeking the full \$1,000,000.00. The parties are still in the middle of discovery and are trying to reach a settlement.</p> <p>An inventory and appraisal cannot be filed until they know how much of the life insurance proceeds will come into the estate.</p> <p>Status Hearing Report filed 03/12/14 states: They are in the middle of discovery in the litigation and trying to reach a settlement. The worker's compensation claim must be litigated before finalizing the life insurance litigation. There is a mandatory settlement conference scheduled for 03/18/14. No funds have been disbursed for either claim. A Receipt for Deposit of Funds Into a Blocked Account or a Final Inventory & Appraisal cannot be filed until both claims have been settled. A continuance of at least 90 days is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/21/14</u></p> <p>1. Need inventory and appraisal.</p>	
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				<p>Reviewed by: JF</p> <p>Reviewed on: 03/12/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12B – Simpson</p>

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Page 2

Petitioners state the establishment of a special needs trust is to the advantage of the Conservatee and appropriate for the following reasons:

- The Conservatee has a disability that substantially impairs his ability to provide for his own care or custody and constitutes a substantial handicap
- The Conservatee has been a resident of Wish-I-Ah Skilled Nursing & Wellness Centre, LLC, in Auberry, CA, since approx. 2010. It is believed he will remain in a skilled nursing facility for the balance of his lifetime.
- The Conservatee is eligible for and is currently receiving approx. \$4,000/month in Medi-Cal benefits, all of which is applied against his medically necessary expenses and pays all of the cost of his board and care at Wish-I-Ah.
- A distribution from the trust to the Conservatee will result in ineligibility for the Medi-Cal nursing home benefits he is currently receiving and will interfere with his continued board and care at Wish-I-Ah or any other skilled nursing facility.
- If the Conservatee becomes ineligible for Medi-Cal nursing home benefits, the actual cash available for distribution (\$34,000.00 per petition, actually \$5,000.00 per declaration) would be depleted in less than one year.

Pursuant to federal law, if the SNT is established prior to age 65, the exception continues to apply after the individual reaches age 65. This Court has jurisdiction to authorize establishment of a SNT under Probate Code §2580 (substituted judgment) (authority provided).

A declaration as to the value of the trust and in support of this petition is provided by attorney Paul T. Chambers, attorney for Petitioners as Co-Trustees of The Satterberg Family Trust.

Declaration of Attorney Boyett filed 3-10-14 provides additional information regarding the value of the proposed SNT and also provides a revised proposed SNT because the form of SNT previously submitted inadvertently included provisions that were overbroad. The SNT as revised complies with applicable federal and state law, including 42 USC § 1396p(d)(4)(A) and Cal. Rules of Court 7.903.

Petitioners pray for an order:

1. **Petitioners, as co-conservators, are authorized to direct the co-trustees of the Satterberg Family Trust, Exemption Trust to distribute all of the assets from the Exemption Trust due George William Satterberg, Jr., to a special needs trust established under Probate Code §2580(b)(5) for the benefit of George William Satterberg, Jr., Conservatee;**
2. **None of the assets distributed to the special needs trust for the benefit of George William Satterberg, Jr., from the trust are to be considered as having been received by George William Satterberg, Jr., or the co-conservators of his estate;**
3. **That the form of the proposed trust attached to the Declaration filed 3-10-14 be approved;**
4. **That Petitioners Janet L. Lorensen and Harriet Satterberg are appointed as the co-trustees of the special needs trust created for the benefit of George William Satterberg, Jr.; and**
5. **For such other and further orders as the Court may deem proper.**

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 16 years		<u>TEMPORARY EXPIRES 03/17/2014</u>		NEEDS/PROBLEMS/COMMENTS:	
		JAMES LESTER FAIR , maternal uncle, is petitioner.		Note: Bernard Fair, maternal grandfather, filed a petition for visitation on 03/10/2014. Hearing is set for 04/14/2014.	
Cont. from 120913, 011314		Father: JOHN ESTRADA – Court Dispensed with Notice per Minute Order of 10/22/2013		Minute Order 01/13/2014: Bernard Fair, maternal grandfather, objects to petition. Parties are directed to clerk's office to get required documents to petition as co-guardians. Visitation is appropriate and allowed with Bernard Fair and is not in violation of the order.	
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail			Minute Order of 12/09/2013: Bernard Fair objects to the guardianship.	
	Aff.Pub.				
	Sp.Ntc.			As of this examiner's review no written objections have been filed nor has a petition as co-guardians been filed as directed in minute order of 01/13/2014.	
✓	Pers.Serv.	w/			
	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
		Mother: MEGUMI FAIR , personally served on 10/11/2013			
		Paternal grandparents: Court Dispensed with Notice per Minute Order of 10/22/2013			
		Maternal grandfather: Bernard Fair, served by mail 11/18/2013			
		Maternal grandmother: Emi Fair, served by mail on 11/18/2013			
		Minor: Jessica Monique Estrada, Consents and Waives Notice			
		Siblings: Felicia Neill, and Alexander Fair, Consent and Waive Notice			
		Petitioner states the minor recently suffered a traumatic brain injury and requires 24 hour care. Her mother is unfit to care for her and would not be physically able to care for her. CPS officer advised the petitioner to seek guardianship as soon as possible so that the mother would not be allowed to see the child based on the fact that the mother is not in her right mind.			
		Court Investigator Dina Calvillo's report filed 11/26/2013.			
				Reviewed by: LV	
				Reviewed on: 03/13/2014	
				Updates:	
				Recommendation:	
				File 14 – Estrada	

15 **James Horton & Brooke Horton (GUARD/P)**
 Atty Horton, Juanita Faun (pro per Petitioner/paternal grandmother)
 Atty Banut, Delia M. (pro per Petitioner/maternal grandmother)
 Atty Rusca, Rodney (for Objector/Father James Horton)

Case No. 14CEPR00029

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

James: Deceased DOD: 2/19/14		<p>There is no temporary. Temporary was denied.</p> <p>JUANITA FAUN HORTON, paternal grandmother, and DELIA MARTINEZ BANUT, maternal grandmother, are petitioners.</p> <p>Father: JAMES JOHN HORTON</p> <p>Mother: DESIE MONTERO HORTON – consents and waives notice.</p> <p>Paternal grandfather: Robert William Horton Maternal grandfather: Arsie Ortega Banut</p> <p>Petitioners state the child, James, suffered a traumatic brain injury caused by the mother's ex-boyfriend in March 2013. The injury has compromised the child's ability to walk, talk and feed himself. He currently requires 24-hour care which includes daily medications, tube feeding, repositioning and overall monitoring of his health. This has caused the father to be in severe depression and has resulted in his alcohol abuse. The depression and alcohol abuse impairs the father's judgment to provide proper care for the children. The paternal grandmother is currently providing care for the children every day and observes that the father is rarely home to provide care for the children.</p> <p>Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Robert Horton (paternal grandfather) b. Arsie Banut (maternal grandfather) 	
Brooke age: 2				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
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✓	Letters			
✓	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
✓	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 3/13/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Horton</p>		

Father, James Horton's Objection to Petitioners' Request for Guardianship filed on 1/16/14. Objector states he and the children's mother separated on 6/1/12 and the mother moved to Visalia. Mr. Horton states he remained in the family residence in Fresno and they shared physical custody of their children. On 3/21/13 the mother had the children and her boyfriend, Trevor Bishop, beat their son, Jimmy within an inch of his life. Trevor Bishop and the mother were arrested, a hold was placed on the children and then they were placed in the father's care.

Jimmy was released from the hospital on 5/23/13. He is non-responsive. Mr. Horton states he has a hospital bed in his home and he gives him his medications.

On 1/2/14, Mr. Horton states he met with Dr. Nakaguchi and it was suggested that he meet with a Hinds Hospice Social Worker.

On 1/7/14 a Hinds Hospice worker began assisting with Jimmy's care as recommended by his physicians at Valley Children's Hospital.

Mr. Horton states this made his mother, Juanita Horton, angry and he suspects that is why she filed for guardianship. Neither of the proposed guardians are trained to care for Jimmy.

Mr. Horton states the social worker who is working with him has expressed her concerns with either of the proposed guardians caring for Jimmy.

Mr. Horton states the police came to his home on 1/14/14 to enforce the ex parte order of temporary guardianship. A child abuse detective showed up and many other law enforcement persons. After speaking with Tulare County, Fresno County refused to enforce the ex parte guardianship order and told Mr. Horton to file for immediate ex parte relief.

Mr. Horton requests the court deny the request for guardianship in favor of the custody orders in Tulare County.

Court Investigator Samantha Henson's Report for the temporary hearing filed on 1/21/14

Supplemental Declaration of Father, James Horton filed on 3/12/14 states on 2/14/14 he was awarded permanent domestic violence restraining orders protecting him from Juanita Horton and Desie Horton.

On 2/19/14 Jimmy (minor herein) passed away.

The mother [Desie Horton] and his mother [Juanita Horton] spent the weeks preceding Jimmy's passing terrorizing them.

They went through mediation with Family Court Services and a new custody order is attached. [Mother was given supervised visits with Brooke only twice per week for one hour at a supervising agency.]

Declaration of Juanita Horton filed on 3/11/14. In her declaration Ms. Horton is requesting visitation with her granddaughter Brooke.

Court Investigator Samantha Henson's Report filed on 3/11/14.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Alexis age: 7 years		Temporary Expires on 3/17/14	NEEDS/PROBLEMS/COMMENTS:
Emma age: 6 years			
		MARIA ARROYO , maternal grandmother, is petitioner. Father (Alexis): GREG ROMERO – Declaration of Due Diligence filed on 1/30/14. Father (Emma): TERRENCE STEVEN LEE – personally served on 2/10/14. Mother: GRISelda ARROYO - Consents and waives notice Paternal Grandfather (Alexis): Unknown Paternal Grandmother (Alexis): Unknown Paternal Grandfather (Emma): Unknown Paternal Grandmother (Emma): Unknown	1. Petition does not include the names and addresses of the paternal grandparents. 2. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice on: a. Greg Romero – unless the court dispenses with notice. 3. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence for: a. Alexis's paternal grandparents. b. Emma's paternal grandparents. (It should be noted that the father's objections seem to indicate that the petition has dropped Emma off with her paternal grandmother.)
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
✓	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
✓	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
✓	CI Report		
<input type="checkbox"/>	9202		
✓	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
✓	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Petitioner states the children are living with her and although their mother has notarized documentation, they need to formalize things so that Petitioner can enroll them in school, get insurance for them, and provide for any medical attention they may need while in her care. Objections of Terrance Lee (father of Emma) filed on 2/11/14 states the grandmother lied when she said she didn't have contact with the father and didn't know where he lived. She would drop the minor off. Father feels that if the mother isn't going to care for Emma then Emma should be with him. Court Investigator Dina Calvillo's Report filed on 3/10/14.	Reviewed by: KT Reviewed on: 3/13/14 Updates: Recommendation: File 16 – Romero & Arroyo

Petition for Appointment of Temporary Conservatorship of the Person (Prob. C. 2250)

Age: 67		<u>GENERAL HEARING: 04/08/14</u>		NEEDS/PROBLEMS/COMMENTS:		
		<p>JIMMY ASHLOCK, non-relative, is Petitioner and requests appointment as Temporary Conservator of the Person.</p> <p>Petitioner states that the proposed conservatee needs assistance with counting money, cooking and daily living activities.</p> <p>Court Investigator Jennifer Daniel filed a report on 03/11/14.</p>		<ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 5 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Conservator</i> on the Proposed Conservatee. 3. Need proof of service by mail at least 5 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Conservator</i> for: <ol style="list-style-type: none"> a. Gloria Smith (mother) b. Connie Cunningham (sister) c. Brian Wright (son) d. Matthew Wright (son) e. Jonathan Wright (son) f. Catherine Thurman (granddaughter) g. Brandon Wright (grandson) 4. Need Confidential Guardian Screening Form (GC-212). 		
Cont. from						
<input type="checkbox"/>	Aff.Sub.Wit.					
<input checked="" type="checkbox"/>	Verified					
<input type="checkbox"/>	Inventory					
<input type="checkbox"/>	PTC					
<input type="checkbox"/>	Not.Cred.					
<input type="checkbox"/>	Notice of Hrg					<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail					<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.					
<input type="checkbox"/>	Sp.Ntc.					
<input type="checkbox"/>	Pers.Serv.					<input checked="" type="checkbox"/>
<input type="checkbox"/>	Conf. Screen					<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Letters					
<input checked="" type="checkbox"/>	Duties/Supp					
<input type="checkbox"/>	Objections					
<input checked="" type="checkbox"/>	Video Receipt					
<input type="checkbox"/>	CI Report					
<input type="checkbox"/>	9202					
<input checked="" type="checkbox"/>	Order					
<input type="checkbox"/>	Aff. Posting					
<input type="checkbox"/>	Status Rpt					
<input type="checkbox"/>	UCCJEA					
<input type="checkbox"/>	Citation					
<input type="checkbox"/>	FTB Notice					
		Reviewed by: JF				
		Reviewed on: 03/12/14				
		Updates:				
		Recommendation:				
		File 17 – Wright				

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 12		GENERAL HEARING 05/05/14		NEEDS/PROBLEMS/COMMENTS:	
		JACQUELINE SMITH, paternal aunt, is Petitioner.		1. Need <i>Notice of Hearing</i> for the temporary hearing on 03/17/14.	
		Father: HOWARD MASON – Consent & Waiver of Notice filed 03/05/14		2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> for the 03/17/14 hearing with a copy of the <i>Temporary Guardianship Petition</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
Cont. from		Mother: TIYEONDREA MCGLOTHIN – Personally served on 03/10/14 with Notice of Hearing only for the general hearing on 05/05/14		a. Tiyeondrea McGlothlin (mother)	
	Aff.Sub.Wit.			Note: Proof of personal service filed 03/11/14 attached to the Notice of Hearing on the 05/05/14 hearing does not indicate that a copy of the Petition was served with the Notice of Hearing as required per the Probate Code.	
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	x	Paternal grandfather: BILLY MASON Paternal grandmother: MAGNOLIA HEADLEY		
	Aff.Mail				
	Aff.Pub.		Maternal grandparents: UNKNOWN		
	Sp.Ntc.				
	Pers.Serv.	x	Petitioner states that the since May 2013, Absalom's mother has been dropping him off at the paternal grandmother's home and leaving him for long periods of time. The mother began locking the minor out of her home and has stated that she does not want him in her home. Petitioner requests temporary guardianship so that she can help her nephew.		
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 03/12/14	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 18 – Mason	